

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. _____ OF 2023
(@ Special Leave Petition Nos. _____ of 2023
(@Diary Nos. 17940/2023, 18168/2023 & 9641/2023))

GULAB DHONDIBA KALE (SINCE DECEASED)
THRU LRS

Appellant

VERSUS

INDUSIND BANK LTD. & ANR.

Respondents

O R D E R

Delay condoned.

1. Leave granted.

2. Learned counsel for the appellant submitted that both the Trial Court and the First Appellate Court have held concurrently on the entitlement of the appellant. The High Court has granted an order of stay subject to the deposit of entire decretal amount, however, it has refused encashment by the impugned order, whereby an application was preferred for encashment. Learned Senior Counsel appearing for the respondent submitted that the issue is pending consideration before the High Court and therefore, the orders being interim in nature, there is no need to interfere with it at this stage.

3. We are of the view that the High Court has to balance equities, particularly when the appellant has got a decree in his favour. In such view of the matter, the appellant

is entitled to withdraw 50% of the amount deposited by the respondent without prejudiced to the contention of the parties and subject to the final orders to be passed in the pending appeals.

4. We make it clear that the aforesaid withdrawal shall be on the condition that the appellant shall furnish immovable property as a security to the satisfaction of the Trial Court.

5. Appeals are allowed in part. Pending application(s), if any, shall stand disposed of.

.....J.
(M.M. SUNDRESH)

.....J.
(ARAVIND KUMAR)

NEW DELHI
NOVEMBER 6, 2023

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) DIARY NO(S). 17804/2023

(Arising out of impugned final judgment and order dated 08-12-2022 in SA No. 21/2022 passed by the High Court Of Judicature at Bombay)

MANSINGH SHANKAR JADHAV

Petitioner(s)

VERSUS

INDUSIND BANK LTD. & ANR.

Respondent(s)

(IA No. 197618/2023 - CONDONATION OF DELAY IN FILING
IA No. 197621/2023 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS
IA No. 197620/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

Diary No(s). 17926/2023 (IX)

IA No. 196176/2023 - CONDONATION OF DELAY IN FILING
IA No. 196186/2023 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS
IA No. 196183/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)
Diary No(s). 18008/2023 (IX)

IA No. 197661/2023 - CONDONATION OF DELAY IN FILING
IA No. 197665/2023 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS
IA No. 197663/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)
Diary No(s). 17940/2023 (IX)

IA No. 197798/2023 - CONDONATION OF DELAY IN FILING
IA No. 197794/2023 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS
IA No. 197799/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)
Diary No(s). 18168/2023 (IX)

IA No. 198093/2023 - CONDONATION OF DELAY IN FILING
IA No. 198095/2023 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS
IA No. 198094/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)
Diary No(s). 9641/2023 (IX)

IA No. 172247/2023 - CONDONATION OF DELAY IN REILING / CURING THE DEFECTS

IA No. 172245/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 9648/2023 (IX)

IA No. 172278/2023 - CONDONATION OF DELAY IN FILING

IA No. 172280/2023 - CONDONATION OF DELAY IN REILING / CURING THE DEFECTS

IA No. 172279/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 18021/2023 (IX)

IA No. 196526/2023 - CONDONATION OF DELAY IN FILING

IA No. 196527/2023 - CONDONATION OF DELAY IN REILING / CURING THE DEFECTS

IA No. 196525/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 18028/2023 (IX)

IA No. 198577/2023 - CONDONATION OF DELAY IN FILING

IA No. 198580/2023 - CONDONATION OF DELAY IN REILING / CURING THE DEFECTS

IA No. 198581/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 06-11-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. Sachin Patil, Adv.
Mr. Kailas Bajirao Autade, AOR
Mr. Anant Bobe, Adv.
Mr. Sunil Kumar Sethi, Adv.

For Respondent(s) Mr. Jayanth Muthuraj, Sr. Adv.
Mr. M. Yogesh Kanna, AOR
Ms. Monica Saini, Adv.
Mr. Vasu Kalra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Diary Nos. 17804/2023, 17926/2023, 18008/2023, 9648/2023, 18021/2023, 18028/2023

Delay condoned.

No ground for interference is made out to exercise our

jurisdiction under Article 136 of the Constitution of India.

The Special Leave Petitions are dismissed with cost of Rs.25,000/- to be payable to the High Court Legal Services Authority within a period of six weeks from today.

Pending application(s), if any, stand(s) disposed of.

Diary Nos. 17940/2023, 18168/2023 & 9641/2023

Delay condoned.

Leave granted.

Appeals are allowed in part in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(KAVITA PAHUJA)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
COURT MASTER (NSH)

[Signed order is placed on the file]